

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JANUARY 3, 2012
7:05 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:05 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Brindle made a motion, seconded by Member Swenson, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Bennett made a motion, seconded by Member Swenson, approving the consent agenda as revised to remove Items IV.D., Resolution No. 2012-02, designating official newspaper for 2012; IV.M., Annual appointment of Assistant Weed Inspector, IV.O., 2012 bike routes recommendation; IV.P., Traffic Safety Committee report of December 7, 2011; and IV.S., Resolution No. 2012-15 calling for public hearing for Centennial Lakes TIF District, as follows:

IV.A. Approve regular and work session meeting minutes of December 20, 2011

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated December 22, 2011, and consisting of 36 pages; General Fund \$295,331.55; CDBG Fund \$82,000.00; Communications Fund \$14,618.24; Police Special Revenue \$104.80; Working Capital Fund \$2,897.88; Art Center Fund \$14,021.19; Golf Dome Fund \$2,097.91; Aquatic Center Fund \$9,840.61; Golf Course Fund \$8,265.65; Ice Arena Fund \$24,614.09; Edinborough/Centennial Lakes Fund \$18,099.57; Liquor Fund \$190,791.15; Utility Fund \$478,125.61; Storm Sewer Fund \$589.16; Recycling Fund \$19.42; PSTF Agency Fund \$1,469.54; TOTAL \$1,142,886.37 and for approval of payment of claims dated December 29, 2011, and consisting of 27 pages; General Fund \$85,569.17; Communications Fund \$10,852.87; Police Special Revenue \$35,246.63; Working Capital Fund \$232,262.46; Equipment Replacement Fund \$14,110.03; Construction Fund \$62,783.32; Art Center Fund \$3,157.59; Golf Dome Fund \$47.36; Aquatic Center Fund \$42.99; Golf Course Fund \$2,117.10; Ice Arena Fund \$5,625.29; Edinborough/Centennial Lakes Fund \$9,467.80; Liquor Fund \$248,620.38; Utility Fund \$406,400.53; Storm Sewer Fund \$75,772.43; Recycling Fund \$32.72; PSTF Agency Fund \$5,183.58; TOTAL \$1,197,292.25; and, Credit Card Transactions dated October 26 – November 26, 2011; TOTAL \$7,584.33.

IV.C. Approve re-appointment of Mayor Pro Tem

~~IV.D. Resolution No. 2012-02, designating official newspaper for 2012~~

IV.E. Adopt Resolution No. 2012-03, signatory resolution

- IV.F. Adopt Resolution No. 2012-04, designation of Director/Alternate Director of Suburban Rate Authority
- IV.G. Adopt Resolution No. 2012-05, designation of Director/Alternate Director of LOGIS
- IV.H. Adopt Resolution No. 2012-06, authorizing facsimile signatures
- IV.I. Adopt Resolution No. 2012-07, designating official depositories
- IV.J. Adopt Resolution No. 2012-08, appointment to Edina Fire Relief Board
- IV.K. Adopt Resolution No. 2012-09, approving Hennepin County Electronic Proprietary Data Base (EPDB) Conditional Use License Agreement
- IV.L. Approve setting 2012 date for Board of Appeal & Equalization
- ~~IV.M. Annual appointment of Assistant Weed Inspector~~
- IV.N. Adopt Resolution No. 2012-12, setting February 21, 2012, public hearing for Tracy Avenue Roadway Reconstruction Improvement No. BA-368
- ~~IV.O. 2012 bike route recommendation~~
- ~~IV.P. Traffic Safety Committee report of December 7, 2011~~
- IV.Q. Approve engineering services for 50th and France streetscapes
- IV.R. Adopt Resolution No. 2012-14 delinquent utilities certificate corrections
- ~~IV.S. Resolution No. 2012-15 calling for public hearing for Centennial Lakes TIF District~~

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.D. RESOLUTION NO. 2012-02 ADOPTED – DESIGNATING OFFICIAL NEWSPAPER FOR 2012

The Council agreed to revisit the issue of whether the *Edina Sun Current* was delivered to apartments and townhomes. **Member Brindle introduced and moved adoption of Resolution No. 2012-02, designating official newspaper.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.M. ANNUAL APPOINTMENT OF ASSISTANT WEED INSPECTOR APPROVED

The Council discussed appointment of the Assistant Weed Inspector. **Member Brindle made a motion, seconded by Member Swenson, approving annual appointment of Assistant Weed Inspector.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.O. 2012 BIKE ROUTE RECOMMENDATION ACCEPTED

Assistant Engineer Sullivan indicated staff supported the ETC recommendation. **Member Sprague made a motion, seconded by Member Bennett, to accept 2012 bike route recommendation.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.P. TRAFFIC SAFETY COMMITTEE REPORT OF DECEMBER 7, 2011 ACCEPTED

Mr. Sullivan responded to the Council's questions relating to the recommendations of the Traffic Safety Committee. **Member Sprague made a motion, seconded by Member Swenson, to accept the Traffic Safety Committee Report of December 7, 2011.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.S. RESOLUTION NO. 2012-15 ADOPTED – CALLING FOR PUBLIC HEARING FOR CENTENNIAL LAKES TIF DISTRICT

Mayor Hovland requested the Council reschedule the public hearing to February 21, 2012, because he would be out of state on February 6, 2012. **Mayor Hovland introduced and moved adoption of Resolution No. 2012-15, calling for public hearing by the City Council on the proposed adoption of a modification to the Southeast Edina Redevelopment Plan and the proposed adoption of a modification to the tax increment financing plan for Centennial Lakes Tax Increment Financing District, a redevelopment district, as amended to schedule the public hearing on February 21, 2012.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

None.

VI. PUBLIC HEARINGS HELD - Affidavits of Notice presented and ordered placed on file.

VI.A. VIKING HILLS NEIGHBORHOOD STREET RECONSTRUCTION IMPROVEMENT NO. BA-386 – RESOLUTION NO. 2012-10 ADOPTED

Mr. Sullivan explained the City's schedule for road inspection and how the Pavement Condition Index (PCI) was determined based on visual inspection of the pavement condition plus other factors. The PCI ranked streets with zero being in the worst condition and 100 being in the best condition. By using this method, the City created a schedule that assured streets in the poorest condition were reconstructed first and CIP dollars were appropriately allocated towards reconstruction and maintenance with the goal of minimizing long-term expenses for the City while maintaining a high quality of pavement.

Mr. Sullivan presented the feasibility study for the staff-initiated Viking Hills Street Reconstruction Improvement. He identified the project area, described existing conditions, and the proposed improvement to streets, spot repair to utilities, and upgrade of fire hydrants. It was noted the Council received a petition from Glacier Place residents requesting removal from this project. Mr. Sullivan indicated staff had not proposed to install sidewalks. He clarified there would be individual assessments for each of the five roadway projects. The estimated road projects' cost was as follows: Arctic Way \$342,000, Glacier Place \$70,000, Gleason Court \$175,000, Polar Circle \$73,000, and Vernon Court and Vernon Hills Court \$157,000. Utility work would be funded through the respective utility funds. A single-family home would be assessed for one Residential Equivalent Unit (REU). The preliminary estimated assessments were as follows: Arctic Way at \$7,600; Glacier Place at \$7,000; Gleason Court twin homes at \$6,250 per side; Polar Circle at

\$8,112.11; Vernon Court and Vernon Hills Court at \$4,815.95 and \$7,705.52 for the townhomes (depending on density) and \$9,631.90 for the one single-family home. Mr. Sullivan presented the project schedule and indicated staff recommended authorization to complete plans and specifications and take bids if the Council found this project to be necessary, cost-effective, and feasible.

The Council discussed the proposed project and PCI for the five roads proposed for reconstruction. Mr. Sullivan indicated that one side of Vernon Hills Road was State owned right-of-way and not proposed to be assessed because Statute 429 required proof of benefit and the City's assessment Policy was tied to access. In this case, the Mn/DOT right-of-way had no access to the roadway, so it would not receive benefit.

With regard to how REUs were calculated for twinhomes, Mr. Sullivan explained the current policy does not have a lot of language on multiple dwelling units. Therefore, staff referred to the State Aid Policy regarding multi-family dwellings to base REUs and determined that since a townhome typically generates fewer trips than a single-family dwelling, a charge of .8 REUs was the appropriate assessment per the twin-home development. Staff determined the five townhome units on the west end would fit into the condominium category and proposed an assessment of .5 per REU. Mr. Sullivan explained the analysis and finding of ITE engineers that single-family homes generated ten trips daily compared to twin homes which generated eight trips daily. That analysis was used to determine the number of REUs to assess per twin-home and townhome. The Council indicated that twin-homes and townhomes should be treated equally and this issue should be reviewed between now and the assessment hearing.

To address drainage, Mr. Sullivan indicated staff recommended installing boulevard sump pump drain tile to which residents could redirect storm drainage from their property. It was noted the Police Department had been informed about the traffic issues on Vernon Avenue, which were considered to be related to driver compliance. Mr. Sullivan addressed the funding for road projects and benefit of curb and gutter to improve drainage and extend pavement life.

Mayor Hovland opened the public hearing at 8:05 p.m.

Public Testimony

Gary Hoch, 6610 Vernon Hills Road, addressed the Council.

Bill Peters, 6650 Vernon Hills Road, addressed the Council.

Brent Reichert, 6416 Glacier Place, addressed the Council.

Charles Hanna, 6510 Gleason Court, addressed the Council.

Member Brindle made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Sullivan addressed the issues raised during public testimony and answered questions of the Council. He explained the four payment methods for assessments as well as the City's methodology to determine whether the property received benefit and could be assessed. Mr. Sullivan described the resident notification process and apologized that the December letters were confusing.

The Council asked for staff's analysis on why a particular road had a poor PCI at 18 years. Mr. Sullivan described staff's analysis from the aerial photos and explained that a different aggregate standard was used for the sub-base than today's standard for road construction. In addition, the street was constructed in 1981, had been capped with two inches of blacktop, and used by construction vehicles while the neighborhood was built. The two inches of blacktop lasted from 1981 till the present, but would not be adequate into the future. Staff acknowledged that the estimates contained some contingency dollars that if not used would result in a lower amount assessed. Mr. Sullivan indicated staff would review bids to assure a qualified competent contractor, adequate construction methods, and costs that were at or below estimates.

Manager Neal explained projects were financed with GO Bonds and Edina, as an AAA rated City, received the lowest possible interest rates the market allowed, currently in two percent range. He noted the increment between the City's interest rate and assessment interest charged was set by Council action. The Council discussed methods to fund road projects and explained the City had gone before the Legislature to establish a street utility; however, that process was not approved.

Member Swenson introduced and moved adoption of Resolution No. 2012-10, receiving feasibility study and ordering improvement for Viking Hills Neighborhood Street Reconstruction Improvement No. BA-386. Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council directed staff to address the definition of townhomes/twinhomes in the City's assessment policy before the special assessment hearing that will be held after the project has been constructed. The REU language should be clearly stated so residents know how their housing has been defined. The Council asked staff to assure that letters sent to residents were accurate, clear, explained rationale and if a revision became necessary, the notice clearly stated it was a revision to avoid future confusion.

VI.B. VALLEY ESTATES NEIGHBORHOOD STREET RECONSTRUCTION NO. BA-387 – RESOLUTION NO. 2012-11 ADOPTED

Mr. Sullivan presented the feasibility study for the staff-initiated Valley Estates Street Reconstruction Improvement. He indicated a large percentage of the neighborhood had signed a petition asking that the project not move forward. Mr. Sullivan identified the project area, described existing drainage and road conditions, proposed improvement to

streets, and spot repair to concrete curb and gutter. He described the location of a proposed sidewalk segment as requested by the School District and Edina Transportation Commission (ETC). The project also included sanitary sewer spot repairs, modifications to storm sewer, and upgrade of fire hydrants. Mr. Sullivan indicated the preliminary street project cost was estimated at \$760,000 with the City paying \$290,000 for improvements to the sanitary sewer, water main, and storm sewer. Each single-family home would be assessed for one REU in the amount of \$9,000, with the School District paying five REUs in the amount of \$45,000 for its soccer fields. Mr. Sullivan presented the project schedule.

Mr. Sullivan stated residents had raised the question whether the soccer field parking lot was large enough, so a separate questionnaire had been sent to ask residents whether it was a problem and what they would recommend. Since responses were varied, staff recommended moving forward with the project as presented, and if parking becomes a problem it could be addressed by the Traffic Safety Committee. Staff recommended authorization to complete plans and specifications and take bids if the Council found this project to be necessary, cost-effective, and feasible.

Mr. Sullivan answered questions of the Council related to the proposed sidewalk location and recommendation to remove asphalt from the “stub” street at the east end of Creek Valley Road and replace it with an environmentally friendly surface that could accommodate maintenance and emergency vehicles. He indicated staff had discussed whether the sidewalk should extend and connect to the trail and could work with the School District on whether to extend the sidewalk to the east. The ETC recommended the sidewalk segment on Nordic Circle, and staff found that to be a good starting point. Mr. Sullivan explained that the ETC reviewed the feasibility prior to Council but after the neighborhood meetings, so residents might not yet be aware of the sidewalk issue.

The Council noted the average PCI for the subject streets was 29, indicating the pavement condition was poor enough to be reconstructed. The Council referenced resident letters indicating there was no problem with the condition of the roadway and asked whether drainage could be addressed without full reconstruction. Mr. Sullivan stated his opinion that it would be difficult to make drainage improvements beneficial to the neighborhood without major impacts to the pavement surface in certain locations. He indicated the overall neighborhood’s PCI was low enough to warrant all roads reconstruction. Staff recommended approval to get the best price based on economy of scale, disturb the neighborhood only once, complete the project before schools starts in 2012, and not be back for 40 years.

The Council acknowledged that resident input on the parking issue varied because it appeared to be an episodic issue related to field use when vehicles were parked on the streets not in the parking lot. The Council asked staff to work with the School District, Park and Recreation Department, and Soccer Association to address parent education on the need to use the parking lot during games to reduce the impact to the neighborhood and increase the safety of players.

Mayor Hovland opened the public hearing at 9:17 p.m.

Public Testimony

Mike Slaughter, 6625 Nordic Drive, addressed the Council.

Dan Ballard, 6517 Nordic Drive, addressed the Council.

Carol Korupp, 6200 Creek Valley Road, addressed the Council.

Peter Schnorbach, 6221 Balder Lane, addressed the Council.

Garry Woessner, 6602 Scandia Road, addressed the Council.

Terry Korupp, 6200 Creek Valley Road, addressed the Council.

Jerry Edwards, 6513 Nordic Drive, addressed the Council.

Dawei Tian, 6220 Boulder Lane, addressed the Council.

Stacey Eidsvold, 6209 Balder Lane, addressed the Council.

Michelle Tressel, 6620 Scandia Road, addressed the Council.

Member Brindle made a motion, seconded by Member Swenson to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Sullivan and Public Works Director/City Engineer Houle addressed the issues raised during public testimony and answered questions of the Council related to the need for this project based on the PCI ranking and rate of deterioration once pavement became cracked and brittle, resulting in creation of potholes and undermining of the subgrade. With regard to sidewalks, Mr. Houle recommended inclusion of a bid alternate and allowing staff to obtain additional input from the School District and residents.

Mr. Sullivan indicated there was general consensus on the need to address back yard drainage. He explained the City could construct a storm sewer network at the curb that would residents to redirect storm drainage from their lots into the City's system mitigating some of the area's drainage issues. Mr. Sullivan explained that due to topography this would not be a solution for all properties in this neighborhood. The Council asked staff to also inform residents of possible grant opportunities through the Nine Mile Watershed District.

The Council addressed the number of REUs assigned to the School District and asked whether the School District could be assessed more REUs based on additional information received relating to the high level of field and parking lot usage. Attorney Knutson advised this issue could be addressed between now and the final assessment hearing. The Council

asked that residents be provided with the feasibility study and project area map depicting the PCI. Mr. Sullivan displayed the information and advised it was available at the engineering department and the City's website.

The Council discussed the sidewalk issue. Mr. Sullivan explained he had attended a meeting with Creek Valley Elementary staff to discuss the issue of pedestrians walking north of Gleason Road trying to find the least obstructed path to the school away from vehicle traffic turning on and off of Gleason. Mr. Sullivan indicated the sidewalk segment recommended by the ETC was not part of the Comprehensive Plan but staff was concurrent that it would lend a safe alternate route for bicycles and pedestrians. It was acknowledged that the resident input process related to sidewalks could be improved. The Council indicated the purpose of the sidewalk was to facilitate walking and asked staff how the City could assure it was not used to facilitate bus loading and unloading. Mr. Neal indicated signage could be installed. He suggested staff raise the issues of the soccer fields, parking, school buses, and sidewalk/trail maintenance at its quarterly meetings with the School District.

The Council indicated that a visual inspection by a lay person was not a reliable source to determine whether the road needed reconstruction. The Council reiterated the City's commitment was to providing sound public infrastructure. The Council stated it was committed to being a good steward of City funds and if roads were allowed to deteriorate too far, that could result in a more expensive reconstruction projects. The Council encouraged residents continue voicing their opinions and concerns by attending meetings or submitting petitions. The Council cautioned that listening to input does not mean the Council and residents would always agree because the Council had an obligation to the City as a whole and not just one neighborhood. **Member Sprague introduced and moved adoption of Resolution No. 2012-11, receiving feasibility study and ordering improvement for Valley Estates Neighborhood Street Reconstruction Improvement No. BA-387.** Member Bennett seconded the motion.

The Council indicated the decision on the funding allocation of sidewalks would be made at a later date pending additional input and directed staff to re-examine the REUs assigned to the School District.

Member Brindle stated her intention to vote against the motion because she thought the roadway looked fine. She said she was not bothered by the appearance of a "patchwork" pavement if that would extend the life of the roadway. Member Brindle indicated she understood there would be continued pavement degradation so the reconstruction would be needed at some point but she would not support it until it was absolutely necessary. The Council indicated it needed to rely on the recommendation of professional engineers and make decisions based on the best interest of Edina.

Rollcall:

Ayes: Bennett, Sprague, Swenson, Hovland

Nay: Brindle

Motion carried.

VI.C. RESOLUTION NO. 2012-13 ADOPTED – APPROVING A PRELIMINARY & FINAL PLAT AT 7777 WASHINGTON AVENUE SOUTH FOR XCEL ENERGY

Planning Director Teague presented the request of Xcel Energy for preliminary and final plat approval for property located at 7777, 7801, 7807, and 7815 Washington Avenue South. The proposed plat was located in both Edina and Bloomington with only one lot located in the Edina. The requested plat would create a reconfigured lot in Bloomington where Xcel Energy proposed to build a new electric sub-station. Staff and the Planning Commission unanimously recommended approval of the Preliminary and Final Plat subject to findings as identified in the draft resolution.

Mayor Hovland opened the public hearing at 10:16 p.m.

Public Testimony

No one appeared to testify.

Member Bennett made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

Member Swenson introduced and moved adoption of Resolution No. 2012-13, approving a Preliminary and Final Plat for 7777 Washington Avenue South, based on the following findings:

- 1. The existing property located within the City of Edina would not be impacted.**
- 2. The existing building and associated parking areas would now be located on the same lot.**

And subject to the following conditions:

- 1. Final Plat approval by the City of Bloomington.**
- 2. All necessary approvals must be obtained from the Nine Mile Creek Watershed District.**

Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VI.D. ORDINANCE NO. 2012-01 ADOPTED – REGARDING REVISIONS TO AN APPROVED SITE PLAN

Mr. Teague presented the draft ordinance defining when changes might be made to approved site plans that were not yet built. He explained the Code did not clearly define “minor changes” so it was always brought before the Council. If approved, the amendment would allow staff to approve, on a one-time basis, a minor change if the proposed change met five criteria: there was no increase to the proposed number of dwelling units; the change would not increase the floor area of structures on site by more than 5% of the gross floor area; the change would comply with Code requirements; the change could not change any condition required on a site plan; and, the property was not located within the Edina Heritage Landmark District. The Planning Commission unanimously recommended approval

at its December 14, 2011, meeting. The Council acknowledged that multiple changes could be considered under an administrative approval as long as none exceeded the criteria.

The Council discussed whether the criteria should include a square footage threshold, such as 10,000 sq. ft., in addition to the 5% limitation. It also discussed whether the language should include "Edina Heritage landmark" as well as "Edina Heritage Landmark District" since a landmark might not be residential. Mr. Teague indicated this method of approval only involved a project with a site plan, such as a PUD. It would not apply to a CUP. The Council considered whether it was necessary to include both a square footage threshold and percentage threshold and whether the square footage threshold would be considered arbitrary.

Member Bennett stated support to include language indicating: "...5% or exceed 10,000 sq. ft., whichever is less," noting the percentage in larger-sized projects could be substantial and result in a substantial impact. It was acknowledged that the language applied to the process by which a change could be made, allowing an administrative approval rather than a Planning Commission/City Council process that included public input. Attorney Knutson stated that conditions of approval could not change, and that if a specified height was made a condition of approval, it could not change.

Mr. Teague expounded on the discussion of the Planning Commission and advised that "gross floor area" meant all square footage within the building and not just the floor plate. Member Bennett referenced past Planning Commission meeting minutes and indicated she felt the Planning Commission had done a deliberative job of bringing this forward and the conversation tonight seemed to be a disagreement in interpretation of the Planning Commission's recommendation. The Council discussed the ordinance language and acknowledged that Edina was already very conservative in giving approval authority to staff.

Mayor Hovland opened the public hearing at 10:42 p.m.

Public Testimony

No one appeared to comment.

Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

Member Brindle made a motion to grant First Reading and waive Second Reading adopting Ordinance No. 2012-01, amending the Zoning Ordinance concerning revisions to approved site plans. Member Sprague seconded the motion.

Rollcall:
Ayes: Brindle, Sprague, Swenson, Hovland
Nays: Bennett
Motion carried.

VI.E. ORDINANCE NO. 2012-02 ADOPTED – REGARDING THE REGULATION OF UTILITY EQUIPMENT

Mr. Teague presented the draft ordinance regulating utility/mechanical equipment. He explained this ordinance amendment was drafted as a result of the 100 square foot, 12-foot tall air conditioning unit installed at York Gardens within the required setback. Mr. Teague explained the changes to the ordinance and described the Planning Commission's deliberation in determining the 36 sq. ft. threshold at its December 14, 2011, meeting.

Mayor Hovland opened the public hearing at 10:48 p.m.

Public Testimony

No one appeared to comment.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

Member Sprague made a motion to grant First Reading and waive Second Reading adopting Ordinance No. 2012-02, amendment concerning the regulation of utility equipment. Member Swenson seconded the motion.

The Council discussed the R-1 setback requirement for this equipment was five feet and that a permanently installed generator might raise the same concerns. **Members Sprague and Swenson accepted a friendly amendment to amend Ordinance No. 2012-02 to add "and other privately owned mechanical equipment in the R-1 and R-2 District."**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VII. COMMUNITY COMMENT

Ralph Campbell, 6700 Point Drive, thanked the Council for its public service and the West 70th Street improvement project that created a higher level of safety for pedestrians and bicyclists.

Steve Willett, 5705 Kemrich Drive, expressed his concern related to integrity of public officials.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2012-01 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2012-01 accepting various donations.** Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

IX. CORRESPONDENCE AND PETITIONS – Mayor Hovland acknowledged the Council’s receipt of various correspondence.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER’S COMMENTS – Received

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:15 p.m.

Respectfully submitted,

City Clerk

Minutes approved by Edina City Council, January 17, 2012.

Debra A. Mangen,

Mayor

Video Copy of the January 3, 2012, meeting available.

James B. Hovland,